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*In re Application of*  
KILLION, DAVID L.  
Appl No.: 09/489,525  
Filed: January 21, 2000  
For: IMPROVED ENERGY EFFICIENT FLUID PUMP  
Attorney Docket Number: SIMP 0134 PUS

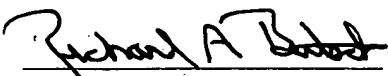
**DECISION GRANTING  
PETITION**  
*37 CFR 1.181*

This application is before the Director of Technology Center 3700 for reconsideration of the Notice of Abandonment mailed October 18, 2001 for failure to timely reply to the office action mailed June 15, 2001. A first petition was filed March 5, 2002, which was dismissed because the petition lacked a statement that a thorough search of the file jacket and docket reports indicated that the office action was not received. Petitioner has filed a renewed petition on September 29, 2003 with a copy of the first petition and additional statements. The request is treated as a petition to withdraw of the holding of abandonment pursuant to 37 CFR 1.181 based on non-receipt of the office action. No fee is required for this petition.

The petition is granted.

In support of the request, petitioner has provided a showing of non-receipt of the Office action in accordance with MPEP 711.03(c)IA.

In view of the above, the Notice of Abandonment mailed October 18, 2001 is hereby vacated and the holding of abandonment is withdrawn. The application will be forwarded to the Technical Support Staff to return the application to an active status and to remail the office action. The statutory period that was originally set forth in the Office communication will be restarted to run from the mail date of the newly supplied office action.

  
Richard A. Bertsch, Director  
Technology Center 3700